



EnviroFor Reporter

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ENVIROFOR NEWS:

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ENERGY AND MINES NEWS

Vaughn Palmer: Christy Clark Takes Firm Stand on U.S. Thermal Coal

On a campaign swing through south central BC, BC Liberal Leader Christy Clark stepped up her last-minute war against the shipment of thermal coal through ports on the BC Coast.

Clark launched the drive just last week, calling on Prime Minister Justin Trudeau to implement the ban. But in the absence of any action by Ottawa, Clark now says if the Liberals are re-elected, they will take immediate action on their own.

Though the BC Liberal cabinet crafted the move in retaliation to the U.S. decision to impose punitive duties on softwood lumber imports from Canada, the premier confirmed that the mechanism would apply equally to thermal coal from Canadian provinces as well as trans-shipments from the U.S.

She also announced the mechanism – a special carbon levy that would be imposed by regulation under the provincial [Greenhouse Gas Industrial Reporting and Control Act](#). Read the [full article](#) in *The Vancouver Sun*.

Approval of Mount Polley Mine Waste Dumping Irks Critics

Mount Polley Mining Corporation has been granted permission to drain treated mining waste water into Quesnel Lake, a massive glacial lake that provides drinking water to residents of Likely BC, northeast of Williams Lake.

Approval of the long-term waste water management plan came April 7, despite a disaster that put the water at risk in 2014 and a provincial investigation into the spill that is not yet complete.

"The timing is absolutely surprising," said Ugo Lapointe of Mining Watch Canada, who pointed out the news release came on a Friday afternoon before the launching of the BC election.

Quesnel Lake, famed for trophy-sized rainbow trout, is feared at risk by locals who describe it as the deepest fjord lake on earth, and who protest any dump of mining waste, treated or otherwise, which can carry toxic

elements and heavy metals such as arsenic and lead or zinc.

"It's hard not to be cynical," said Lapointe who said locals opposing the plan felt ignored.

But Environment Minister Mary Polak told CBC the decision was made by neutral civil servants based on science that confirmed draining treated water into the river, as opposed to the lake, was riskier.

"These decisions do not cross any politicians desk. In fact if I was to interfere with the decision I could be in some very serious legal trouble," Polak told CBC. "That is one of the ways we ensure that there is never any influence by companies that might donate to political parties." Read the [full article](#) at CBC News.

ENERGY AND MINES

| Act or Regulation Affected | Effective Date | Amendment Information |
|--|----------------|-------------------------------|
| First Nations Clean Energy Business Fund Regulation (377/2010) | Apr. 1/17 | by Reg 7/2017 |

FORESTRY AND ENVIRONMENT NEWS

Fallout from U.S. Tariff on Canadian Softwood Won't be Immediate, BC Industry Leaders Say

Steep tariffs imposed on Canadian softwood lumber exports to the United States are not expected to create immediate problems for B.C. sawmills because demand remains robust and prices are high. That short-term reality, however, hasn't quelled concern in forestry communities and among industry workers.

There is not likely to be any immediate fallout because the tariff has already been absorbed in the price of lumber in the U.S. due to a 30-per-cent rise in the past three months, Interfor president and CEO Duncan Davies said Tuesday [April 25th] during an industry news conference.

Canadian producers are also helped by a Canadian dollar that is much lower than the U.S. currency, as lumber is priced in U.S. dollars.

"For us, (the new tariff is) a negative on our business, but the real loser in all of this is the U.S. homebuilder and the U.S. consumer," said Davies, chair of the lumber trade council.

However, Davies said while many large firms like his own are in good financial shape to weather the duties in the short-term, he is concerned about smaller operators who don't have large cash reserves.

B.C. Lumber Trade Council president Susan Yurkovich said: "We don't know what the actual impact on the B.C. industry in total will be – and we expect there will be some over time. It depends how long the dispute will go on."

The lumber trade council represents major producers in BC, including West Fraser, Canfor and Tolko, assigned individual preliminary duties of 24.12, 20.26 and 19.5 per cent, respectively. Other BC companies have been assigned a duty of 19.88 per cent. West Fraser and Canfor declined comment and Tolko did not respond to a request for comment. More than half of BC softwood lumber exports go to the U.S., the remainder largely to Japan and other countries in Asia. Read *The Vancouver Sun* [article](#).

Environmental Lawsuit Against Province Over Jet Fuel Spill Approved by BC Court

A British Columbia Supreme Court judge has approved a class-action lawsuit against the provincial government over a fuel spill that forced the evacuation of thousands of residents in the Slocan Valley four years ago.

The law firm representing 2,500 residents says it's the first such environmental lawsuit certified by the court against the province of BC.

The firm, Rosenberg Kosakoski Litigation, says in a statement the tanker truck that overturned, spilling 35,000 litres of jet fuel into the Slocan River water system was part of a province-led refuelling operation for firefighting helicopters.

The action alleges the province caused the disaster because of operational mismanagement and then failed to adequately respond to the spill, which resulted in millions of dollars in damages to private property and the ecosystem.

At the time, residents were evacuated and a do-not-use water order was put into effect as the fuel moved from Lemon Creek into the Slocan River. Read the [CBC article](#).

A Quick Overview of November 1, 2017 Changes to the Contaminated Sites Regulation

Developers will be pleased to learn that there is some relief in the upcoming changes to the [Contaminated Sites Regulation](#). Here is a high level summary of what is changing (and what is not).

New Categories of Land Uses

Residential land use will now be split into two categories: High Density and Low Density.

High density includes multi-unit buildings over three stories. Based on the theory that there is less human contact with soil in high density development, the standards of acceptable levels of contaminants will generally be higher than the current residential standards. There will, however, be prohibitions on uses such as vegetable gardens.

Low Density Residential standards will be substantially the same as the current Residential standards.

An altogether new category known as "Wildlands Land Use" including "Natural Wildlands Land Use" and "Reverted Wildlands Land Use" will be introduced, which will be helpful in rural areas.

Read the [full article](#) by [Darren Donnelly](#) of Clark Wilson.

Beyond Borders: BC Court Rules U.S. Resident Has Aboriginal Right to Hunt in Canada

On March 27, 2017, in an unprecedented decision, the Provincial Court of British Columbia (Court) ruled in [R. v. DeSautel \(DeSautel\)](#) to recognize the aboriginal rights of a First Nation whose members reside in the United States and to allow for the exercise of those rights in Canada.

Background

On October 1, 2010, the defendant, Mr. DeSautel, shot an elk for ceremonial meat near Castlegar, B.C. He was charged with two offences under the BC [Wildlife Act](#): hunting without a licence and hunting big game while not being a resident.

Mr. DeSautel is a U.S. citizen and resident of the Colville Indian Reserve in Washington State. As a member of the Lakes Tribe, Mr. DeSautel's ancestors are the Sinixt people whose traditional territory spans the U.S.-Canadian border. The northern boundary is in the Kootenay region, near Revelstoke, B.C.

Mr. DeSautel argued that he had an aboriginal right to hunt in the Sinixt traditional territory.

Read the [full article](#) by [Sarah Nykolaishen](#), [Roy Millen](#), and [Sandy Carpenter](#) on *Blakes Business Class*.

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were released in the month of March:

Environmental Management Act

- [Harvest Fraser Richmond Organics Ltd. v. District Director, Environmental Management Act, \(City of Richmond, Third Party\), \(Participants\)](#) [Stay Decision – Denied]
- [Revolution Organics, Limited Partnership v. Director, Environmental Management Act](#) [Preliminary Issues of Jurisdiction – Granted in Part]

Water Act

- [Thomas Hobby and SC Ventures Inc. v. Assistant Regional Water Manager](#) (0716880 B.C. Ltd.; 071886 B.C. Ltd.; 0716892 B.C. Ltd.; 0716927 B.C. Ltd.; 0716930 B.C. Ltd.; 0716945 B.C. Ltd.; 0716961 B.C. Ltd.; 0716967 B.C. Ltd.; 1028706 B.C. Ltd.; Malahat First Nation, Participants) [Consent Order – Costs Settlement]

[Wildlife Act](#)

- [Kim Sedrovic; Gordon Silverthorne vs. Regional Manager, Recreational Fisheries and Wildlife Program](#)
[Final Decision – Appeals Dismissed]

Visit the Environmental Appeal Board [website](#) for more information.

FORESTRY AND ENVIRONMENT

| Act or Regulation Affected | Effective Date | Amendment Information |
|--|-----------------------------|----------------------------------|
| Cattle Industry Development Council Regulation (240/94) | Apr. 1/17 | by Reg 112/2017 |
| Closed Areas Regulation (76/84) | Apr. 5/17 | by Reg 135/2017 |
| Designation and Exemption Regulation (168/90) | Apr. 5/17 | by Reg 135 /2017 |
| North American Gypsy Moth Eradication Regulation, 2017 (86/2017) | NEW Apr. 15/17 | see Reg 86/2017 |
| Public Access Prohibition Regulation (187/2003) | Apr. 4/17 | by Reg 133/2017 |

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